

Message Text

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ACTION SCI-06

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 4005

INFO AEC GERMANTOWN

USMISSION OECD PARIS

UNCLAS IAEA VIENNA 1793

EO 11652: NA

TAGS: IAEA, TECH

SUBJECT: PROPOSED IAEA MEETING ON CIVIL LIABILITY FOR
NUCLEAR DAMAGE

1. MISSION HAS BEEN GIVEN ADVANCE INFORMATION INFORMALLY OF AGENCY PLANS TO CONVENE INFORMAL WORKING GROUP MEETING OF SIX OR SEVEN MEMBERS OF STANDING COMMITTEE ON CIVIL LIABILITY FOR NUCLEAR DAMAGE, TO BE HELD PROBABLY SOMETIME IN EARLY MAY FOR 2-3 DAYS. PURPOSE OF MEETING WOULD BE TO DEVELOP DRAFT PROTOCOL TO ESTABLISH RELATIONSHIP BETWEEN VIENNA CONVENTION ON CIVIL LIABILITY AND PARIS CONVENTION ON THIRD PARTY LIABILITY. U.S. WILL BE INVITED TO SEND REPRESENTATIVE.

2. FOR BACKGROUND, THERE IS FUNDAMENTAL PROBLEM IN CONNECTION THESE TWO CONVENTIONS, SINCE CONFLICTS IN IMPLEMENTATION WOULD ARISE BETWEEN THEM, APPARENTLY DEPENDING ON WHETHER COUNTRY INVOLVED IS CONTRACTING OR NON-CONTRACTING PARTY TO EITHER CONVENTION. THERE HAS BEEN GREAT DEAL OF DISCUSSION ON PROBLEM OVER PAST YEAR OR SO BY GROUP OF GOVERNMENTAL EXPERTS ON THIRD PARTY LIABILITY IN FIELD OF NUCLEAR ENERGY, AND ON WHAT COULD BE DONE TO RECONCILE THE TWO INSTRUMENTS. (REPORTS OF THESE MEETINGS SHOULD BE AVAILABLE THROUGH USOECD.)

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3. THERE ARE FOUR ALTERNATIVES TO RESOLVE PROBLEM WHICH HAVE BEEN MENTIONED: (A) SCRAP PARIS CONVENTION AND ENCOURAGE ADHERENCE TO VIENNA CONVENTION; (B) SCRAP VIENNA CONVENTION AND RELY ON PARIS CONVENTION; (C) SCRAP BOTH CONVENTIONS AND START OVER WITH NEW CONVENTION; AND (D) ESTABLISH FORMAL RELATIONSHIP BETWEEN TWO CONVENTIONS TO RECONCILE CONFLICTS IN IMPLEMENTATION. THERE ARE SERIOUS PROBLEMS WITH FIRST THREE ALTERNATIVES, WHICH THUS, ARE VIEWED AS IMPRACTICAL. ACCORDINGLY, THERE SEEMS TO BE CONSIDERABLE SENTIMENT FOR LAST ALTERNATIVE, I.E. TO TRY TO WORK OUT POSSIBLE SOLUTION THROUGH DEVELOPMENT OF PROTOCOL ESTABLISHING FORMAL RELATIONSHIP BETWEEN PARIS AND VIENNA CONVENTIONS.

4. ACCORDINGLY, AGENCY HOPES TO DEVELOP DRAFT PROTOCOL WITH HELP FROM EXPERTS AT MAY MEETING, IN ORDER THAT PROPOSAL MIGHT BE PUT FORWARD AT NEXT MEETING OF GOVERNMENTAL EXPERTS IN PARIS SCHEDULED FOR JUNE.

5. AGENCY REGRETS IT WILL NOT RPT NOT BE IN POSITION COVER TRAVEL EXPENSES FOR U.S. EXPERT, BUT CAN PAY PER DIEM. AGENCY STRONGLY HOPES U.S. WILL BE ABLE TO SEND EXPERT, AND HAS INFORMALLY SUGGESTED THAT EDWIN SPINGARN, FORMERLY AEC ASSISTANT GEN. COUNSEL, WOULD BE PARTICULARLY WELCOME. AGENCY AWARE THE SPINGARN HAS RETIRED, BUT UNDERSTANDS HE STILL DOES CONSULTING FOR AEC. AGENCY WILL, OF COURSE, ACCEPT ANY OTHER EXPERT U.S. WISHES TO DESIGNATE. FORMAL LETTER AND EXPLANATORY BACKGROUND PAPER SHOULD BE FORTHCOMING IN COUPLE OF WEEKS.

6. MISSION RECOMMENDS U.S. PLAN TO PARTICIPATE IN THIS MEETING AS REQUESTED BY AGENCY. PORTER

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